

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EVAN NORDGREN,
individually and on behalf of
all others similarly situated,

Plaintiff,

v.

EPIC SYSTEMS CORPORATION,

Defendant.

ORDER

13-cv-840-bbc

Plaintiff has filed an unopposed motion for conditional collective action certification and court-authorized notice. The motion is GRANTED.

IT IS ORDERED that:

1. This case is conditionally certified as a collective action under 29 U.S.C. § 216(b);
2. The Judicial Notice attached to this order is APPROVED and plaintiff's counsel is to disseminate the notice to the putative opt-in plaintiffs;
3. Within fourteen days of this order, defendant is to provide a list to plaintiff's counsel, in electronic, delimited, and importable format (i.e., Microsoft Excel (.xls)), of all persons who have been or are employed by Epic Systems Corporation as a Quality Assurance employee, at any time from three years prior to the production of said list to the present.

The list shall include the first name, last name, last four digits of the social security number, employee identification number (if any), dates of employment as a Quality Assurance employee and last known address;

4. Plaintiff's counsel is to administer the notice process, using the attached Judicial Notice; and
5. The notice period shall extend 60 days from the date that plaintiff's counsel distributes the notice.

Entered this 5th day of May, 2014.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB

District Judge

**TO: ALL QUALITY ASSURANCE EMPLOYEES WHO WORKED AT
EPIC SYSTEMS CORPORATION AT ANY TIME SINCE MAY __, 2011**

You are receiving this Notice because you are a current or former Quality Assurance ("QA") employee who worked for Epic Systems Corporation ("Epic") at any time since May __, 2011.

PURPOSE OF NOTICE

This Notice is to inform you about a lawsuit in which you are potentially eligible to participate; how your rights under the Fair Labor Standards Act ("FLSA") may be affected by this lawsuit; and how to join in this lawsuit, should you choose to do so. Please note that this Notice is only for the purpose of determining the identity of those persons who may wish to be involved in this action. The lawsuit is currently in the early pretrial stage. The Court overseeing this lawsuit has not made any determination whether anyone is entitled to any compensation. As such, this Notice does not mean that you have a valid claim or that you are entitled to any monetary recovery, or that Epic has done anything wrong. Any such determination must still be made by the Court.

DESCRIPTION OF THE LAWSUIT

A lawsuit has been brought by Evan Nordgren ("Plaintiff") against Epic in the United States District Court for the Western District of Wisconsin (Case No. 13-CV-840). The lawsuit alleges that Epic violated the Fair Labor Standards Act ("FLSA") by classifying QA employees as exempt from the requirements of the FLSA to pay time and a half wages for all hours worked in excess of 40 per week.

Epic denies Plaintiff's claim that it violated the FLSA. To the contrary, Epic contends that it properly compensated its QA employees as salaried employees exempt from overtime wages.

The Court will ultimately decide the merits of this case, and how much, if any, overtime wages and liquidated damages will be awarded. Nothing in this Notice should be viewed as an admission of wrongdoing by Epic.

WHO IS SENDING THE NOTICE

We are the lawyers representing Plaintiff and other potential class members who timely consent to join this lawsuit. We are from the law firms of Hawks Quindel, S.C. and Habush Habush & Rottier S.C. We prepared and sent this Notice to you. Although the judge in this case allowed us to send you this Notice, the judge has expressed no opinion about Plaintiff's claims, Defendant's defenses or whether the Plaintiff or any other similarly situated employees are entitled to recover any monies in this action.

YOUR RIGHT TO PARTICIPATE IN THIS SUIT

If you believe that Epic has failed to properly compensate you because it classified you as a salaried employee exempt from overtime wages, you have the right to participate in this lawsuit. To join the lawsuit, you must sign, date, and return the attached Consent Form to Plaintiff's counsel for filing with the Court. It is entirely your own decision whether to participate in this lawsuit. You are not required to take any action unless you so desire, and you are not required to pay any money to participate.

RETALIATION PROHIBITED

The law prohibits anyone, including your employer, from discriminating or retaliating against you for taking part in this case or because you have exercised your rights under the FLSA.

HOW AND WHEN TO JOIN THE SUIT

Enclosed you will find a Consent Form. If you choose to join this lawsuit, you must read, sign, and return the Consent Form to Plaintiff's counsel by [60 days from Notice]. Should the enclosed form become lost or misplaced, please contact Plaintiff's lawyers listed at the bottom of this Notice.

The signed Consent Form must be postmarked on or before [60 days from Notice] for you to participate in this case. If you fail to return the completed consent form before that deadline, you will not be able to participate in this lawsuit.

If you have any questions about filling out or sending in the Consent Form, you may contact Plaintiff's lawyers listed on the final page of this Notice.

EFFECT OF JOINING THIS LAWSUIT

If you choose to join this lawsuit, you will be engaged in a lawsuit against Epic. As a party plaintiff to the lawsuit you will be bound by any ruling, judgment, award, or settlement in this case, whether it is favorable or unfavorable. If you join this lawsuit, your continued right to participate in the case may depend on a later decision by the Court that you and Plaintiff are actually "similarly situated" in accordance with federal law.

While this lawsuit is pending, individuals who join the lawsuit may be required to provide information or documents, appear for a deposition, testify at trial or otherwise participate in this action.

By joining this lawsuit, you designate the Plaintiff as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation and to look out for the best interests of the class. The decisions and agreements made and entered into by the Plaintiff will be binding on you if you join this lawsuit, unless you choose to withdraw your consent. The representative Plaintiff in this lawsuit has entered into a contingency fee agreement with Plaintiff's lawyers, which means that if there is no recovery, there will be no attorney's fees chargeable to you from Plaintiff's lawyers. If you do not prevail on your claim, Court costs and expenses may possibly be assessed against the class. If there is a recovery, Plaintiff's lawyers will be paid attorney's fees in an amount that is subject to the discretion of the Court.

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement of the FLSA claims in this case, whether favorable or unfavorable to the class. You will be free to file your own lawsuit, if you wish to do so.

RIGHT TO CONSULT WITH US

If you want to talk with us about this lawsuit, please feel free to call, write or e-mail us from your personal (not work) e-mail account during non-working time:

Atty. William E. Parsons
HAWKS QUINDEL, S.C.
222 W. Washington Ave., Ste. 450
Tel.: 608-257-0040
Fax: 608-256-0236
E-Mail: wparsons@hq-law.com

Atty. Breanne L. Snapp
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Tel.: 608-255-3666
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E-Mail: bsnapp@habush.com

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN. THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF THE PLAINTIFF'S CLAIMS OR THE DEFENDANT'S DEFENSES. PLEASE DO NOT CONTACT THE COURT FOR ANY REASON.

PLAINTIFF CONSENT FORM

By signing below, I state that I have been employed by Epic Systems Corporation as a Quality Assurance employee within the past three (3) years and that I hereby give my consent to be included in this lawsuit for the claims described in the court-approved notice that accompanied this form.

Signature and Date

Print Name

Address

City, State, Zip Code

Home Telephone

Mobile Telephone

E-Mail Address

**PLEASE SIGN AND RETURN TO:
HAWKS QUINDEL, SC
222 WEST WASHINGTON AVENUE, SUITE 450
MADISON, WISCONSIN
53703**

**OR EMAIL/FAX TO:
WPARSONS@HQ-LAW.COM
FAX: (608) 256-0236**

QUESTIONS? CALL (608) 257-0040